

Title 19 – DEPARTMENT OF HEALTH and SENIOR SERVICES

Division 30 – Division of Regulation and Licensure

Chapter 62 – Licensing Rules for Group Child Care Homes and Child Care Centers

EMERGENCY AMENDMENT

19 CSR 30-62.102 Personnel. The department is adding a new section (4).

PURPOSE: This amendment adds requirements for caregiver training to include training concerning the safe sleep recommendations of the American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome for a safe infant sleeping environment.

*EMERGENCY STATEMENT: According to the Centers for Disease Control and Prevention, Sudden Infant Death Syndrome (SIDS) was the fourth leading cause of death for infants in 2013. Approximately one hundred (100) Missouri infants die as a result of SIDS each year. In 2014, an infant in a licensed child care facility died as a result of SIDS after a weighted blanket was placed over the child's legs when he was lying face down. As a result, the Missouri legislature promulgated Section 210.223.6, RSMo, as part of HCS for SCS for SB 341, 98th General Assembly, First Regular Session (2015). This bill requires all caregivers who work in a licensed group child care home or child care center caring for children under one (1) year of age to receive safe sleep training based on the American Academy of Pediatrics (AAP) safe sleep recommendations and authorizes the Department of Health and Senior Services (DHSS) to promulgate emergency rules to implement these recommendations. The training will explain the AAP safe sleep recommendations and explain ways to comply with them, such as laying an infant on its back to sleep, creating a sleep environment free of blankets, toys, bumper pads or other items that could cause suffocation, and reducing the risk of a child overheating while he or she is asleep. There are approximately 2,080 licensed group child care homes and child care centers in Missouri. At the time of this publishing, licensed group child care homes and child care centers have a capacity to care for approximately 135,700 children at any given time. Of the total number of licensed group child care homes and child care centers, 1,048 facilities are licensed to care for children less than one (1) year of age. Based on the license capacity of these facilities, approximately 10,600 individuals would need to receive the safe sleep training. The training is necessary to ensure caregivers are aware of safe sleep practices to protect the health and safety of infants in child care settings. As a result, the DHSS finds an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The DHSS believes this emergency amendment is fair*

to all interested persons and parties under the circumstances. This emergency amendment was filed November 10, 2015, becomes effective November 20, 2015, and expires May 17, 2016.

(4) Safe Sleep Training. Every three (3) years the center director, group child care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios in a group child care home or child care center licensed to provide care for infants less than one (1) year of age shall successfully complete department-approved training regarding the American Academy of Pediatrics (AAP) safe sleep recommendations contained in the *American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome. Technical report – SIDS and other sleep-related infant deaths: expansion of recommendations for a safe infant sleeping environment*, by Moon RY, which is incorporated by reference in this rule as published in PEDIATRICS Volume 128, No. 5, November 1, 2011, and available from the University of Vermont College of Medicine, Given Building S261, 89 Beaumont Avenue, Burlington, Vermont 05405-0068, telephone number 802-656-2505, fax number 802-656-4844, or at www.pediatrics.aapublications.org/content/128/5/1030.full. This rule does not incorporate any subsequent amendments or additions.

- (A) The training shall be documented and maintained as described in section (3)(B) of this rule.
- (B) The center director, group child care home provider, all other caregivers, and those volunteers who are counted in staff/child ratio in a group child care home or child care center, licensed prior to the effective date of this rule, shall complete safe sleep training described in section (4) of this rule within three (3) months of the effective date of this rule.
- (C) The center director, group child care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios in a group child care home or child care center licensed after the effective date of this rule shall complete safe sleep training described in section (4) of this rule prior to licensure.
- (D) The center director, group child care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios shall complete safe sleep training described in section (4) of this rule within thirty (30) days of employment or volunteering at the facility.

AUTHORITY: section 210.221, RSMo 2000, and section 210.223, RSMo (HCS for SCS for SB 341, 98th General Assembly, First Regular Session (2015)). This rule previously filed as 13 CSR 40- 62.091, 13 CSR 40-62.102, and 19 CSR 40- 62.102. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.102, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30- 62.102 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Amended: Filed Jan. 28, 2011, effective July 30, 2011. Emergency amendment filed November 10, 2015, effective November 20, 2015, expires*

*May 17, 2016. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

**Original authority: 210.221, RSMo 1949, amended 1955, 1987, 1993, 1995, 1999.*